

**Attendees**

**Committee Chairs:** Laurie Burt, MADEP; David Cash, EOEEA; Mary Griffin, MADFG; Jonathan Yeo, MADCR

**Committee Members:** Ralph Abele for Ken Moraff, USEPA; Kathy Baskin, EOEEA; Lee Breckenridge, Northeastern Univ.; Jack Buckley, MADFG; Anne Carroll, MADCR; Jack Clarke, Mass Audubon; Mike Domenica, CH2M Hill; Steve Estes-Smargiassi, MWRA; Nancy Goodman, Environmental League of Mass.; Phil Guerin, Worcester DPW; Michael Hanlon, ACED-MA; Steve Long for Mark Smith, Nature Conservancy; Jennifer Pederson, Mass Water Works Assoc.; Tom Philbin, MMA; Peter Shelley, Conservation Law Foundation; Martin Suuberg, MADEP; Margaret Van Deusen, Charles River Watershed Assoc.; Tom Walsh, Upper Blackstone WPAD; Brian Wick for Jeff Lafleur, Cape Cod Cranberry Growers Assoc.

**Other Attendees:** Sue Beede, Mass Rivers Alliance; Julia Blatt, Mass Rivers Alliance; John Clarkeson, EOEEA; Tyler Corson-Reickert, intern; Karen Crocker, MADEP; Rebecca Cutting, MADEP; Jeff Davis, Donahue Center; Lexi Dewey, WSCAC; Jen D'Urso, MADEP; Neil Fennessey, UMass/Dartmouth; Richard Friend, MADEP; David Glater, Trout Unlimited; Jeff Herschberger, EES; Linda Hutchins, MADCR; Steve Kaiser, Assoc. of Cambridge Neighborhoods; Tom Lamonte, MADEP; Duane LeVangie, MADEP; Elizabeth McCann, MADEP; Peter Newton, SEA; Steve Pearlman, Watershed Action Alliance; Tim Purinton, MADFG; Vandana Rao, EOEEA; Heidi Ricci, Mass Audubon; Eli Terrace, Intern

**Meeting Objectives:**

- Provide status update
- Develop streamflow goals and the process of setting those goals

**Meeting Agenda:**

**Welcome & Introductions**

The Chair began the meeting with a sigh of relief –

- With election results, the Committee no longer needs to feel under the gun to finish by the end of the year
- We can now dig in, while keeping eyes on the prize and completing our mission in 2011
- Some tasks have taken longer than some anticipated or like, but a review of our mission shows we are still on track
- SWMI will need a path forward into 2011 with milestone dates

**Review of the Mission Statement:**

The advisory Committee will advise EEA, DEP, DFG and DCR on:

- How to ensure that the Commonwealth's abundant water resources are protected and sustainably managed for habitat protection and economic development; and
- The development of a sustainable water allocation system that
  - Examines contributing causes and solutions to water use and ecological challenges; and
  - Evaluates and establishes methodologies that incorporate streamflow criteria, safe yield, impacts on users, conservation measures, economic impacts, mitigation options, environmental safeguards, and consideration of water resources uses.

Key points SWMI has addressed

- Categorize streamflow
- Categorize habitat
- Categorize contributing causes of habitat impairment
- Develop a policy for sustainable water management that goes beyond the needs and scope of the Water Management Act

**Status Update of SWMI Process**

SWMI Schedule for 2011

- EEA believes it will take 6 months to complete SWMI policy work – does not include regulation development and promulgation – Agencies will examine possibility of implementing policy prior to regulation promulgation
  - By “March – ish”, draft a straw proposal
  - By “June – ish”, complete written policy
- A draft 6-month schedule has been circulated to Committee members
- The Permit Extension Act might extend WMA permitting deadline by up to 2 years – MassDEP is examining the legal options and will discuss those at the 12/22/10 WMA Advisory Committee meeting

Discussion:

- Has staff followed the Connecticut standards that were developed and then rejected?
  - Yes, and will be following the up-coming Connecticut vote on 12/21/10
- What is the role of the SWMI Advisory Committee
  - The Committee is advisory, consensus is desirable, but not needed for the policy process to move forward
  - Consensus, in this context, means “Can I live with it, can I support it”, **not** “Did I get all that I want”
- Concern was expressed that the process has not included detailed streamflow criteria from the Technical Committee for discussion by the Advisory Committee
  - That is our goal for early 2011
- There remains concern that the Water Resources Committee might not include a broad enough cross-section of the regulated community (currently 2 seats unfilled) in reviewing the SWMI proposed policy
- The draft policy should be vetted through public meetings and a public comment period prior to a WRC vote
  - The WRC has statutory authority to review policy for the WMA, so they are the appropriate reviewers
  - WRC has authority to hold public meetings and take comment and generally vet the proposed policy through a public comment process
- If we plan on a series of public meetings and public comment period, March is too late to propose a draft for completion in June – draft straw proposal should be put on paper now
  - For January meeting, Committee chairs commit to presenting a draft/outline of
    - Points of agreement and disagreement
    - Chart for moving forward
    - Outline of the draft policy

## **Habitat and Water Supply Category Maps**

Jonathan Yeo summarized the work of the Water Supply Metrics workgroup.

Our goal is to develop a screening level tool that documents the current water supply resources.

To develop a method to identify potential water supply development areas, 2 HUC-12 basins have been mapped as a pilot project.

- Aquifer yields are mapped in green and tan
- Land uses that are incompatible with water supplies with a 400 ft buffer are mapped in pink

It is becoming clear that :

1. Very few sites are left for future water supply development
2. Most suitable sites are located in areas that are preserved as parks or open space, or are already developed as water supply sites
- 3.

Discussion:

- Is MassGIS information detailed enough about aquifer yields and current land use?
  - It is the best we've got
- Have most high yield aquifers been developed?
  - Probably – this level of analysis does not show existing wells and pump tests would need to be done to confirm that enough high quality water could be extracted for practical public water supply development

## **Streamflow Goals Policy Discussion**

### **Goals Evaluations**

1. A draft proposed goal has been to manage every subbasin to biological and /or flow category 3  
A GIS analysis of the state has now been completed to assess the practicality of the goal

Anne Carroll presented the results of recent GIS analysis

- 72% of Massachusetts is in biological category 4 or 5
- 13% of Massachusetts is in streamflow category 4 or 5 (73% is in categories 1 & 2)
- 71% is in impervious cover category 4 or 5
- It takes very little impervious cover (IC) to change the biology in an area.
- 3.3% IC = biologic category 3

Discussion:

- The data used in this analysis comes from the accelerated USGS Fish and Habitat Study, and so does not consider the impact of dams – and more detailed set of data and analysis is expected as part of the full USGS study.
- This analysis shows correlation between IC and biological impacts, not necessarily causation
  - There is a suite of impacts associated with IC (temperature, deicing salt, etc.), this analysis does not show which might hurt biological resources
  - A “next step” should be to further study what it is about IC that hurts habitat

- WMA permittees will not have ability to improve IC in most cases, and typically will only be able to make minimal improvements through offsets
  - WMA permits include conservation and offsets, Federal Stormwater permits are beginning to address IC
  - WMA permit offsets are currently keyed to high baseline withdrawal rates and offset measure to be considered are not clearly defined
- Some areas that are in Category 5 for both flow and IC will include coldwater fisheries – implementation of offsets and protection will need to be considered at local level

Summary by the Chair:

This helps focus discussion on:

- What practical and appropriate goals will be
- What tools are available to address the problems causing degradation

### **Goal Setting Process**

SWMI proposes that goal setting should proceed at 2 levels

1. Statewide – no backsliding needs to be defined
2. Site-specific goals need to be identified

Discussion:

Committee members proposed possible goals including:

- Manage cold water fisheries for fisheries only
- Designate “working rivers” or the no-backsliding goal will become an impediment to economic activity
- Flexible trading of backsliding might allow optimization
- SWMI needs a means to incorporate economic development needs and that has been developed

More general discussion included:

- Setting goals will be difficult without a better understanding of how and why IC causing such degradation
- SWMI should be careful about broad goals – the CWA set fishable/swimmable everywhere which will never be attainable, but has mandated very expensive attempts at mitigation with no practical water quality gains
- Does any of this apply to WMA registrations?
- Can the Committee see a summary of what measures are currently required through WMA permits and Stormwater MS4 permits?
  - Yes

The Chair then turned discussion to developing a goal setting process/timeline

Discussion:

- We cannot draft local goals by June – SWMI aim should be to draft an approach to developing local goals – develop standards, goals and criteria that will be the framework for local goal setting
- Times are difficult - SWMI must be careful to set achievable goals requiring a reasonable workload to state staff and reasonable financial outlay by the regulated community

- There was broad agreement that the draft SWMI policy, standards, goals and criteria, must be vetted through a public process, including public meetings accepting comment, prior to adoption by the WRC.

### **Wrap-Up & Next Steps**

- For January meeting, Committee chairs commit to presenting a draft/outline of
  - Points of agreement and disagreement
  - Chart for moving forward
  - Outline of the draft policy
- Prepare a summary of mitigation measures currently required through WMA permits and Stormwater MS4 permits